IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 10499 of 2004

Between:

Bonam Rama Mohana Rao, S/o Rama Swamy,
R/o M.M.Puram Pulla, Bhimadole Mandal, West Godavari District

..... PETITIONER

AND

1 The Registrar of Co-op.Society, Gruhakalpa, Mozamjahi Market

Road, Hyderabad.
2 The Pulla Co-op Rural Bank Ltd. Bhimadole Mandal, West Godavari

District.
3 The District Co-operative Central Bank, West Godavari District,

represented by its General Manager, Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the respondent No.1 to hold an enquiry into the working and financial condition of the 2nd respondent Bank under section 51 of Act 7 of 1964 and take action thereafter

Counsel for the Petitioner : MR.M.JAGANNADHA SARMA

Counsel for the Respondent No.1 : G.P. FOR COOPERATION

Counsel for the Respondent No.2 : -------

Counsel for the Respondent No.3 : MR.K.CHIDAMBARAM

The Court at the admission stage made the following :

O R D E R:

This Writ Petition is filed by the petitioner, who is one of the members of the second respondent-co-operative Rural Bank.

2 . The grievance of the petitioner is that certain serious irregularities have been committed by the elected Managing Committee while in service and the President of the said Committee is still continuing as a person-in-charge. Though a representation was made on 1.4.2003 to the respondents 1 and 3, in addition to some other authorities, to conduct enquiry under Section 51 of the A.P. Co-operative Societies Act (hereinafter referred to as “the Act”), no action has been taken by disposing of the said representation. Therefore, the petitioner has come up with the present Writ petition.

3. When the matter has come up for admission on 25.6.2004, this Court directed the learned Government Pleader to get instructions with reference to the representation of the petitioner, but the Government Pleader could not get any instructions so far.

Therefore, the Writ Petition is disposed of, after hearing the learned counsel for the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operative and considered the material on record.

5. The grievance of the petitioner is that his representation dated 1.4.2003, with reference to the irregularities said to have been committed by the erstwhile elected management, the President of which is still is continuing as person-in-charge of the second respondent bank, was not disposed of. Therefore, the petitioner has come up with the present writ petition. When certain illegalities or irregularities are said to have been committed by the management and they were brought to the notice of the first respondent, the first respondent ought to have considered the said representation and ought to have passed appropriate orders including a direction to conduct necessary enquiry under Section 51 of the Act. The said inaction is clearly unjustifiable.

6. Under the above circumstances, the first respondent is directed to consider the representation of the petitioner, dated 1.4.2003, and pass appropriate orders for conducting necessary enquiry in terms of Section 51 of the Act, with reference to the alleged irregularities said to have been committed by the erstwhile management of the second respondent-bank. The said orders, disposing of the representation of the petitioner, are directed to be passed expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar of Co-operative Society, Gruhakalpa, Mozamjahi

Market Road, Hyderabad.

2. The Pulla Co-op. Rural Bank Ltd., Bhimadole Mandal, West Godavari District.

3. The General Manager, District Co-operative Central Bank, West Godavari District.

4. 2 CCs to the G.P,. for Co-operation, High Court of A.P., Hyderabad (OUT)

5. 2 CD Copies.